AGRO

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

FILED
08 SEP-2 AM 10: 19
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Jose Carlos GARCIA-Gonzalez** Defendant	)	Magistrate Case No. ______ COMPLAINT FOR VIOLATION OF Title 8, U.S.C., Section 1326 Attempted Entry After Deportation '08 MJ 2684

The undersigned complainant being duly sworn states:

On or about **September 1, 2008,** within the Southern District of California, defendant **Jose Carlos GARCIA-Gonzalez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

SIGNATURE OF COMPLAINANT
Alfredo Loperena, Enforcement Officer
U.S. Customs and Border Protection

Sworn to before me and subscribed in my presence this 2nd **day of September, 2008.**

UNITED STATES MAGISTRATE JUDGE

DOA: 9/1/08

A0020

PROBABLE CAUSE STATEMENT

On September 1, 2008, at approximately 5:59 PM, **Jose Carlos GARCIA-Gonzalez (Defendant)** applied for admission to the United States at the San Ysidro Port of Entry, pedestrian primary lanes. Defendant presented his El Monte High School identification card to a CBP Officer. Defendant verbally stated to the CBP Officer that he was a United States Citizen. Defendant gave two negative customs declarations and when asked for further identification, stated the school identification was the only identification he had. The Officer then referred Defendant to secondary inspection.

During secondary inspection, a CBP Officer queried Defendant's fingerprints in the Integrated Automated Fingerprint Identification System (IAFIS) and Automated Biometric Identification System (IDENT). The officer received a positive match, linking Defendant to FBI and Immigration Service records, confirming Defendant's identity as a citizen of Mexico, having been previously deported.

Further queries in the Central Index System (CIS) and the Enforce Alien Removal Module (EARM) confirmed that on or about October 19, 2007, Defendant was ordered removed from the United States to Mexico by an Immigration Judge. Service Records also indicate that Defendant was last physically removed to Mexico on October 16, 2007, through the San Ysidro Port of Entry. Immigration records indicate the Defendant has neither applied for nor received permission to legally reenter the United States from the United States Attorney General or the Secretary of Homeland Security.

Defendant was advised of his Miranda rights and elected to answer questions without an attorney present. Defendant admitted that he is a citizen of Mexico without any rights or entitlements to either; enter, pass through, or reside in the United States. Defendant admitted that he was deported by an Immigration Judge in October of 2007 after serving a prison sentence for carrying a loaded firearm. Defendant stated that he was on his way to Los Angeles, California. Defendant admitted that he has neither applied for nor received permission to legally reenter the United States from the United States Attorney General or the Secretary of Homeland Security.